

<b>Notice of Allowability</b>	Application No.	Applicant(s)	
	09/680,156	MACARTHUR ET AL.	
	Examiner	Art Unit	
	Dohm Chankong	2152	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 9/1/05.
2. ☒ The allowed claim(s) is/are 1-7.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |   |  |
|---|--|
| <ol style="list-style-type: none"> <li>1. <input type="checkbox"/> Notice of References Cited (PTO-892)</li> <li>2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)</li> <li>3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____</li> <li>4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit of Biological Material</li> </ol> | <ol style="list-style-type: none"> <li>5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)</li> <li>6. <input checked="" type="checkbox"/> Interview Summary (PTO-413), Paper No./Mail Date <u>8/30/05</u></li> <li>7. <input type="checkbox"/> Examiner's Amendment/Comment</li> <li>8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance</li> <li>9. <input type="checkbox"/> Other _____</li> </ol> |
|---|--|



Dung C. Dinh  
Primary Examiner



### DETAILED ACTION

- 1> This action is in response to Applicant's remarks filed 7.14.2005. Claims 1-7 are presented for further examination.

#### *Allowable Subject Matter*


- 2> Claims 1-7 allowed.
- 3> The following is a statement of reasons for the indication of allowable subject matter:
- a. Claims 1-7 substantially disclose in part a method for transferring data between host computers and a plurality of disk drives through a systems interface. Claim 1 had been further amended by Applicant to specify that a separate messaging network through which messages are able to bypass the cache memory of a data transfer section. In combination with the other components of the systems interface, these limitations overcame the prior art of record. For example, Nakayama et al, U.S. Patent No. 5,920,893 discloses a storage control system that enables a host computer to retrieve and provide data to disk drives through a systems interface. Nakayama and the prior art were silent however towards separate messaging network and data transfer section, where messages (that control the data) are transmitted through the messaging network, bypassing a cache memory of the data transfer section and data is transmitted through the data transfer section. Further, nothing in the prior art taught rejection of messages if sent from an improper director.

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b. After discussion with Examiner Dinh on 8.30.2005, the claims were deemed allowable provided a terminal disclaimer be provided by Applicant to overcome an obvious-type double patenting rejection in view of assignee's issued U.S Patent No. 6.816.916. This patent substantially disclosed the same system as the instant application but further included functionality of utilizing bits within a message to determine the proper directors to receive the message. Based on this functionality, Examiner believes the claims of the instant application were merely an obvious variation of the claims of the patent. Applicant filed a terminal disclaimer to overcome the possible obvious-type double patenting rejection.

c. Thus it is believed that the claims of the instant application are now allowable over the prior art.

4> Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

  
Dung C. Dinh  
Primary Examiner